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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

JACKSON WELLS, as Personal Representative for the Estate of THOMAS E. WELLS, deceased; and JUDITH HEMPHILL, as Personal Representative for the Estate of JOYCE H. WALDER, deceased,

Plaintiffs,
vs.

BNSF RAILWAY COMPANY, et al.

Defendants.

CV-21-97-GF-BMM

**DECLARATION OF
JINNIFER JERESEK MARIMAN
IN SUPPORT OF PLAINTIFFS'
MOTION TO STRIKE THE
EXPERT REPORTS OF
JOHN KIND, PHD, CIH, CSP
DATED JUNE 10, 2022 AND
FEBRUARY 7, 2023**

I, Jinnifer Jeresek Mariman, attorney for Plaintiffs, declare as follows:

I submit this declaration in support of Plaintiffs' Motion to Strike the Expert Reports of John Kind, Ph.D., CIH, CSP dated June 10, 2022 and February 7, 2023. I have knowledge of the facts set forth herein, and if called to testify as a witness thereto, I could and would competently do so under oath.

1. Attached hereto as **Exhibit 1** is a true and correct copy of Defendant BNSF Railway Company's Expert Witness Disclosure and Exhibit A thereto;
2. Attached hereto as **Exhibit 2** is a true and correct copy of the Declaration of John Kind (Doc. 74), and attachment thereto (Doc. 74-2); and
3. Attached hereto as **Exhibit 3** is a true and correct copy of Defendant BNSF Railway Company's Third Supplemental Expert Witness Disclosure and Exhibit N thereto.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED this 14th day of April, 2023.

/s/ Jinnifer Jeresek Mariman
JINNIFER JERESEK MARIMAN
Attorney for Plaintiffs